

House File 757 - Introduced

HOUSE FILE _____
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 254)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of scrap yards and salvage
2 pools.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2653HV 83
5 tm/nh/5

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1 1 Section 1. Section 321H.2, Code 2009, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 4A. "Salvage disposal sale" means a
1 4 scheduled sale, at auction or by private bid, of wrecked or
1 5 repairable motor vehicles.

1 6 NEW SUBSECTION. 4B. "Salvage pool" means a person or
1 7 business that regularly conducts a salvage disposal sale as
1 8 provided in section 321H.3A.

1 9 Sec. 2. Section 321H.3, subsection 4, Code 2009, is
1 10 amended to read as follows:

1 11 4. Storing vehicles not currently registered or storing
1 12 damaged vehicles ~~except where such, unless the person is~~
1 13 ~~operating as a salvage pool or the storing of damaged vehicles~~
1 14 is incidental to the primary purpose of the repair of motor
1 15 vehicles for others, scrapping, disposing, salvaging or
1 16 recycling more than six vehicles or parts of more than six
1 17 vehicles subject to registration under chapter 321 in a
1 18 calendar year.

1 19 Sec. 3. NEW SECTION. 321H.3A CONDUCT OF SALVAGE DISPOSAL
1 20 SALES.

1 21 A person who is conducting a salvage disposal sale shall
1 22 not sell a wrecked or repairable motor vehicle to a person who
1 23 is not one of the following:

1 24 1. A person licensed as an authorized vehicle recycler
1 25 under this chapter.

1 26 2. A person who has a valid license issued in another
1 27 state which permits the licensee to purchase salvage title
1 28 vehicles in that state.

1 29 Sec. 4. Section 321H.4, subsection 1, unnumbered paragraph
1 30 1, Code 2009, is amended to read as follows:

1 31 Upon application and payment of a fee, a person, other than
1 32 a person operating as a salvage pool, may apply for a license

1 33 to operate as an authorized vehicle recycler to engage in the
1 34 business as one or more of the following:

1 35 Sec. 5. Section 455D.1, Code 2009, is amended by adding
2 1 the following new subsections:

2 2 NEW SUBSECTION. 6A. "Scrap" means discarded appliances,
2 3 or inoperable machinery; junked, dismantled, or wrecked
2 4 automobiles, or parts thereof; or used or scrap iron, steel,
2 5 copper, brass, or other ferrous or nonferrous metal. "Scrap"
2 6 does not mean any of the items listed in this subsection that
2 7 are kept or stored for an agricultural purpose. "Scrap" also
2 8 does not mean agricultural equipment or machinery located on
2 9 property where a farm house or farm structure is located or on
2 10 property used for any agricultural purpose.

2 11 NEW SUBSECTION. 6B. "Scrap yard" means an establishment
2 12 or place of business which is maintained, operated, or used
2 13 primarily for buying, selling, dismantling, baling, or
2 14 temporarily storing scrap.

2 15 Sec. 6. NEW SECTION. 455D.21A LOCAL ORDINANCE == SCRAP
2 16 YARDS.

2 17 1. A city or a county may adopt a local ordinance, written

2 18 in cooperation with the department, creating licensure
2 19 requirements for scrap yards located in the city or county.
2 20 Such an ordinance must include provisions relating to building
2 21 and property maintenance requirements; pest and rodent control
2 22 requirements; requirements relating to fluid removal from
2 23 scrap accepted at a scrap yard; requirements relating to the
2 24 management of lead acid batteries; requirements relating to
2 25 scrap at least partially covered by flood waters; storage
2 26 requirements for automobiles and automobile parts;
2 27 requirements for the proper recycling of universal waste; and
2 28 restrictions on the storage, placement, and number of
2 29 discarded appliances. Such an ordinance shall include notice
2 30 that the licensing entity may conduct an audit of the licensed
2 31 facility at any time without notice and a statement
2 32 identifying license fees and license renewal requirements.

2 33 2. A city or county may adopt a local ordinance creating
2 34 licensure requirements for scrap yards located in the city or
2 35 county. Such an ordinance must include, at a minimum, all of
3 1 the following:

3 2 a. Environmental and other related requirements for
3 3 licensees including but not limited to the following:
3 4 (1) Building and property maintenance requirements.
3 5 (2) Pest and rodent control requirements.
3 6 (3) Requirements relating to fluid removal from scrap
3 7 accepted at the scrap yard.
3 8 (4) Requirements relating to the management of lead acid
3 9 batteries.
3 10 (5) Health and safety requirements for any scrap at least
3 11 partially covered by flood waters.
3 12 (6) Storage requirements for automobiles and automobile
3 13 parts.
3 14 (7) Requirements for the proper recycling of universal
3 15 waste.
3 16 (8) Restrictions on the storage, placement, and number of
3 17 discarded appliances. A scrap yard shall not store more than
3 18 three hundred discarded appliances.

3 19 b. Notice that the licensing entity may conduct an audit
3 20 of the licensed facility at any time without notice.

3 21 c. A statement identifying license fees.

3 22 d. License renewal requirements.

3 23 3. A city or county may impose a license fee for purposes
3 24 of administering a licensure program for scrap yards.

3 25 4. A city or county may conduct an audit of a licensed
3 26 facility at any time during a licensure period without notice
3 27 to the licensee for purposes of ensuring compliance with the
3 28 terms of the license.

3 29 5. Criteria and requirements included in an ordinance
3 30 adopted pursuant to this section, and in a license issued
3 31 under the ordinance, may be more restrictive than prescribed
3 32 by this chapter and chapter 455B and the rules adopted
3 33 pursuant to those chapters.

3 34 6. A city or county may revoke or temporarily suspend a
3 35 license at any time provided that the grounds for doing so are
4 1 provided for in the ordinance.

4 2 7. A city or county may restrict a person from locating a
4 3 scrap yard in a floodplain. This subsection does not apply to
4 4 scrap yards in existence on July 1, 2009.

4 5 8. The department shall, in collaboration with cities,
4 6 counties, the Iowa automobile recyclers association, and other
4 7 stakeholders, develop model audits, model ordinances, and
4 8 model licenses for use by cities and counties under this
4 9 section.

4 10 EXPLANATION

4 11 This bill relates to the regulation of scrap yards and
4 12 salvage pools.

4 13 The bill provides that a person conducting a salvage
4 14 disposal sale shall only sell a wrecked or repairable motor
4 15 vehicle to certain licensed persons. The bill creates an
4 16 exception from damaged vehicle storage requirements for
4 17 persons operating a salvage pool. The bill provides that a
4 18 person operating a salvage pool shall not apply for a license
4 19 to operate as an authorized vehicle recycler.

4 20 The bill allows a city or a county to adopt a local
4 21 ordinance, written in cooperation with the department of
4 22 natural resources, creating licensure requirements for scrap
4 23 yards. Such an ordinance must include environmental
4 24 provisions relating to building and property maintenance; pest
4 25 and rodent control; fluid removal from scrap; management of
4 26 lead acid batteries; treatment of scrap at least partially
4 27 covered by flood waters; storage requirements for automobiles
4 28 and automobile parts; recycling of universal waste; and

4 29 restrictions on the storage, placement, and number of
4 30 discarded appliances. Such an ordinance shall also include
4 31 notice that the licensing entity may conduct an audit of the
4 32 licensed facility at any time without notice and a statement
4 33 identifying license fees and license renewal requirements.

4 34 The bill allows a city or a county to adopt a local
4 35 ordinance, without the assistance of the department, creating
5 1 a licensure requirement for scrap yards provided all of the
5 2 same requirements as ordinances written with the department
5 3 are met with two additional environmental provisions. The
5 4 ordinance must include health and safety requirements for any
5 5 scrap at least partially covered by flood waters and a
5 6 prohibition against the storage of more than 300 discarded
5 7 appliances.

5 8 The bill provides that a city or county may impose a
5 9 license fee for purposes of administering a licensure program
5 10 for scrap yards. The bill provides that criteria and
5 11 requirements included in an ordinance and in a license may be
5 12 more restrictive than prescribed in Code chapter 455D and Code
5 13 chapter 455B and the rules adopted pursuant to those Code
5 14 chapters. The bill allows a city or county to revoke or
5 15 temporarily suspend a license at any time provided that the
5 16 grounds for doing so are provided for in the ordinance.

5 17 The bill allows a city or county to restrict a person from
5 18 locating a scrap yard in a floodplain. A city or county shall
5 19 not make such restrictions for scrap yards in existence on
5 20 July 1, 2009.

5 21 The bill requires the department of natural resources, in
5 22 collaboration with cities, counties, and other stakeholders,
5 23 to develop and make available model audits, model ordinances,
5 24 and model licenses.

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